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2014 OCT 28 P 2:01

Arizona Corporation Commission

DOCKETED

OCT 28 2014

CORP COMMISSION  
DOCKET CONTROL

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## BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION  
 OF TONTO BASIN WATER CO., INC., AN  
 ARIZONA CORPORATION, FOR A  
 DETERMINATION OF THE FAIR VALUE  
 OF ITS UTILITY PLANTS AND  
 PROPERTY AND FOR INCREASES IN ITS  
 WATER RATES AND CHARGES FOR  
 UTILITY SERVICE BASED THEREON.

DOCKET NO: W-03515A-14-0310

**OPPOSITION TO BROOKE  
 UTILITIES, INC.'S APPLICATION  
 FOR INTERVENTION**

ORIGINAL

Applicant Tonto Basin Water Co., Inc. ("Tonto Basin") hereby responds in opposition to Brooke Utilities, Inc.'s ("Brooke") Application for Intervention ("Application"). In short, Brooke has failed to establish that it has any interest in this proceeding.

Brooke's reason for intervening is its concern that Tonto Basin's rate application may affect the Stock Purchase Agreement entered into by and among Brooke, Tonto Basin, Navajo Water Co., Inc., Payson Water Co., Inc., and JW Water Holdings, LLC (the "Agreement"), and that "the ramifications of the rate application's test year used by [Tonto Basin] have not been calculated to ascertain the impact[.]"<sup>1</sup> But the sale of the stock and the Agreement are not at issue here. Whether and how the rate case might affect this transaction does not provide Brooke a basis for intervention in this case which is to determine the fair value of the utility's property and set rates based on that finding. Furthermore, intervention on issues that are beyond the scope of the rate case raises a certain risk that the intervention will unduly broaden and delay the proceedings.

<sup>1</sup> Application at 1.

1 Based on the foregoing, Brooke's request to intervene should be denied as Brooke  
2 lacks any real interest and its involvement would serve only to unduly broaden the issues  
3 and delay adjudication by the Commission.

4 RESPECTFULLY SUBMITTED this 28th day of October, 2014.

5 FENNEMORE CRAIG, P.C.

6  
7 By \_\_\_\_\_

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13 **ORIGINAL** and thirteen (13) copies  
14 of the foregoing were filed  
15 this 28th day of October, 2014, with:

16 Docket Control  
17 Arizona Corporation Commission  
18 1200 W. Washington Street  
19 Phoenix, AZ 85007

20 **COPY** of the foregoing was hand delivered  
21 this 28th day of October, 2014, to:

22 Teena Jibilian, ALJ  
23 Hearing Division  
24 Arizona Corporation Commission  
25 1200 W. Washington Street  
26 Phoenix, AZ 85007

Brian E. Smith  
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**COPY** of the foregoing was mailed  
this 28th day of October, 2014, to:

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9676874.1/091392.0004